

# **EXHIBIT 5**



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June 27, 2024

**VIA [Email]**

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**Re: *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio)  
*Webb County v. Purdue Pharma, L.P. et al.*, Case No. 1:18-op-45175-DAP  
(Track 15) Discovery Letter**

Counsel:

I write on behalf of Plaintiff Webb County, Texas (the "County") in response to certain topics raised in the Express Scripts and Optum Defendants' ("PBM Defendants") letter dated June 18, 2024.

**I. Custodian Selection**

The County has now provided available email date ranges for all requested potential custodians; the identities of 174 historic employees and officials, the relevant knowledge of every individual identified in Interrogatory No. 1; and the relevant knowledge for every proposed custodian. And yet defendants have selected no custodians. Please either provide your custodial selections by July 1 or tell us when we may meet and confer before July 4. We will need to address the delay with Special Master Cohen otherwise.

**II. Search Terms**

We have agreement on search terms.

**III. Questions Regarding County Government Responsibilities**

Many of Defendants' assorted questions regarding certain County Government Responsibilities go well beyond the bounds of a reasonable custodial selection and should instead count towards Defendants' discovery limits. We respond below on behalf of the County in the spirit of cooperation encouraged by the Court but with a full reservation all rights.

*Which County departments are responsible for identifying grant opportunities, preparing grant applications, and allocating grant funding?*

James Flores, a proposed custodian and Director of Economic Development, writes grants to help fund Webb County programs. Mr. Flores also submits grants for

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Webb County courts. In addition, Victor Vasquez, a proposed custodian and Director of DWI Court and Director of Juvenile Drug Court, works on ensuring compliance with SAMHSA grants and writes proposals for same.

*Who (currently and historically) within the County government coordinates or works with the City of Laredo's Public Health Department on opioid, illicit drug, and addiction-related issues?*

Nancy Cadena, Director, and Nora Prado, Assistant Director of Webb County Public Health Services typically coordinate and work with the City of Laredo's Public Health Department on opioid, illicit drug, and addiction-related issues. Both have been proposed as custodians.

*Who (currently and historically) within the County government coordinates or works with the City of Laredo Police Department on opioid, illicit drug, and addiction-related issues?*

The County Sheriff's Office Criminal Investigation Division liaises with the City of Laredo Police Department to the extent their investigations overlap. Michael Gonzalez, the Sargeant currently in charge of Narcotics investigations, works with two investigators/deputies under his command. Relevant law enforcement agencies typically coordinate with Sargeant Gonzalez and his predecessors. We previously explained that Luis Martinez, a proposed custodian, is the Commander in charge of both the Criminal Investigations Division and Patrol ("CID"). As of several weeks ago, Federico Calderon is now the Commander in charge of Patrol while Commander Martinez remains in charge of CID.

Separately, both the City of Laredo Police Department and the Webb County Sheriff's Office have detailed officers to the South Texas High Intensity Drug Trafficking Area (HIDTA), a task force that involves federal, state, and local law enforcement agencies, including Homeland Security Investigations. In addition, since March 2023, the Sheriff's Office and the City of Laredo Police Department have each detailed officers with the DEA Overdose Drug Task Force. From at least the mid-2000's until March 2023, the Sheriff's Office detailed at least one officer to the DEA. Any documents created by any detailed officer are within the possession of the task force or federal law enforcement agency in charge of the task force.

*Who (currently and historically) within the County government communicates or coordinates with the DEA, FBI, or any other relevant law enforcement agency on opioid, illicit drug, and addiction-related issues in Webb County?*

The Sheriff's Office has historically detailed officers to the South Texas High Intensity Drug Trafficking Area (HIDTA), a task force that involves federal, state, and local law enforcement agencies, including Homeland Security Investigations.

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In addition, since March 2023, the Sheriff's Office has detailed an officer to the DEA Overdose Drug Task Force and has detailed officers to the DEA since at least the mid-2000s. Any documents created by any detailed officer are within the possession of the task force or federal law enforcement agency in charge of the task force. In addition, the County Sheriff's Office Criminal Investigation Division liaises with the DEA and other relevant law enforcement agencies to the extent their investigations overlap. Michael Gonzalez, the Sargeant currently in charge of Narcotics investigations, works with two investigators/deputies under his command. Relevant law enforcement agencies typically coordinate with Sargeant Gonzalez and his predecessors.

*Who (currently and historically) within the County government communicates or coordinates with the DEA, FBI, the U.S. Border Patrol, or any other relevant law enforcement regarding illegal drug smuggling and trafficking across the U.S.-Mexico border into Webb County?*

As described more fully above, the Sheriff's Office has detailed officers to the South Texas HIDTA and DEA Overdose Drug Task Force. Any documents created by detailed officers are within the possession and control of the relevant federal partner. In addition, the County Sheriff's Office Criminal Investigation Division liaises with the DEA and other relevant law enforcement agencies to the extent their investigations overlap. Michael Gonzalez, the Sargeant currently in charge of Narcotics investigations, works with two investigators/deputies under his command. Relevant law enforcement agencies typically coordinate with Sargeant Gonzalez and any of his predecessors.

*Who (currently and historically) within the County government has relevant documents regarding the role of Mexican drug cartels in trafficking illegal drugs into and through Webb County?*

The County is unsure what PBM Defendants mean by "documents regarding the role of Mexican drug cartels." To the extent that the answers above do not answer PBM Defendants' question, the County is willing to meet and confer.

*Who (currently and historically) within the County government has relevant documents regarding the transit, distribution, and use of illegal fentanyl in Webb County?*

As described above, the Sheriff's Office has detailed officers to the South Texas HIDTA and DEA Overdose Drug Task Force. Any documents created by detailed officers are within the possession and control of the relevant federal partner. Michael Gonzalez, the Sargeant currently in charge of Narcotics investigations, works with two investigators/deputies under his command. Investigations related to fentanyl are undertaken by these individuals.

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*Who (currently and historically) within the County has relevant documents regarding the County's efforts to combat illegal drug trafficking across the U.S.-Mexico border?*

As described above, the Sheriff's Office has detailed officers to the South Texas HIDTA and DEA Overdose Drug Task Force. Any documents created by detailed officers are within the possession and control of the relevant federal partner. In addition, the County Sheriff's Office Criminal Investigation Division liaises with the DEA and other relevant law enforcement agencies to the extent their investigations overlap. Michael Gonzalez, the Sargeant currently in charge of Narcotics investigations, works with two investigators/deputies under his command.

*Who (currently and historically) within the County has relevant documents regarding people crossing the U.S.-Mexico border in Webb County to obtain opioids from Mexican pharmacies?*

The County is unsure what PBM Defendants mean by "documents regarding people crossing the U.S.-Mexico border in Webb County to obtain opioids from Mexican pharmacies." To the extent that the answers above do not respond to this question, the County is willing to meet and confer.

*Who (currently and historically) within the County has relevant documents regarding the County's efforts to combat or prevent people from crossing the U.S.-Mexico border in Webb County to obtain opioids from Mexican pharmacies?*

The County is unsure what PBM Defendants mean by "regarding the County's efforts to combat or prevent people from crossing the U.S.-Mexico border in Webb County to obtain opioids from Mexican pharmacies." To the extent that the answers above do not respond to this question, the County is willing to meet and confer.

*Which County departments and individuals (currently or historically) regularly coordinates or works with the Bruni Public Health Facility?*

Webb County Public Health Services, Nancy Cadena (Director) and Nora Prado (Assistant Director) regularly coordinate and work with the Bruni Public Health Facility.

*What are the areas of responsibility for the Auditor's Office, Business Office and Treasurer?*

The Auditor's Office oversees the County's finances. This includes maintaining revenue and expenditure budgets, verifying the validity and legality of expenditures, and managing the financial accounting and reporting of grants received by the County. He also advises the Commissioners' Court concerning

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financial conditions and the County's financial position, including by forecasting financial data for budgetary formulation purposes and providing information about the financial records and accounts of County offices.

The Business Office works with departments to set and oversee the annual County budget. It also processes invoices, purchase orders, contracts, leases, utilities, travel expenses, and reimbursements.

The Treasurer acts as a custodian of all County monies. After expenditures are approved by the Auditor's office, the Treasurer reviews them for validity and presents them to the Commissioners' Court for approval. The Treasurer also oversees collections and deposits, records revenues, reconciles County bank accounts, and prepares a general ledger.

*Who (currently and historically) within the County government determines which health plans or PBMs the County will offer to its employees? How is this decision made and who is involved in making recommendations?*

The Commissioners' Court approves health plans and PBMs that the County offers its employees. After issuing a Request for Proposals, the County's health consultant, Randy McGraw, provides side-by-side comparisons of different options available to the County. The County understands that, from 2006 until 2011, the County's Consultant was RWL Benefits. From 2012 until 2016, the County's Consultant was Valley Risk Consulting. The County is unaware of consultants from other time periods.

Historically, the County also utilizes an Insurance Committee comprised of the Webb County Risk Management Director, Leroy Medford, and Adelaido Uribe. The County understands that this Committee has been in existence since at least 2014.

*Who (currently and historically) within the County government negotiates the terms of contracts with health plans or PBMs or interfaces with the County's TPAs for negotiation of contracts with health plans or PBMs?*

The County's risk management department interacts with its health and pharmacy benefit consultants. The County's consultants are primarily responsible for negotiating the terms of contracts and interfacing with the County's TPAs. The County's current Director of Risk Management is Monica Flores. Ms. Flores' predecessors were:

Pedro Alfaro (2018-2022)  
Alexandra Colessides (2017-2018)  
Cynthia Mares (2005-2017)

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Vacant (2004-2005)

Amy Palacios (2004-2005)

Juanita Puente (1996-2003)

Throughout the relevant time period, the County has used the consulting services of Randy McGraw of HUB International (2019 to present), Valley Risk Consultants (2012 to 2016), and RWL Benefits (2006 to 2011). We are working to identify why there is an apparent gap between 2016-2019 and will supplement promptly.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jonathan Tepe', is positioned above the printed name.

Jonathan Tepe

cc: PBM@listserv.motleyrice.com

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